

ZB# 04-14

Edward Bishop

77-9-3

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Granted 4-12-04

ZBA #04-14 EDWARD BISHOP (AREA)
2305 PIONEER TRAIL (77-9-3)

Edward Bishop 567-1457

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: 1/29/04

REVISED: 3/16/04

APPLICANT: Edward & Karri Bishop
2305 Pioneer Trail
New Windsor, NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 1/28/04

FOR : Edward & Karri Bishop

LOCATED AT: 2305 Pioneer Trail

ZONE: R-3 Sec/Blk/ Lot: 77-9-3

DESCRIPTION OF EXISTING SITE: 1 Family House

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Proposed in-ground swimming pool does not meet 10ft required set-backs for rear and side yard.



BUILDING INSPECTOR

PERMITTED 10ft

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-3 USE: 48-21 G(1)

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:	10ft	7ft	3ft
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REQ'D TOTAL SIDE TD:

REQ'D REAR YD:	10ft	5ft	5ft
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REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

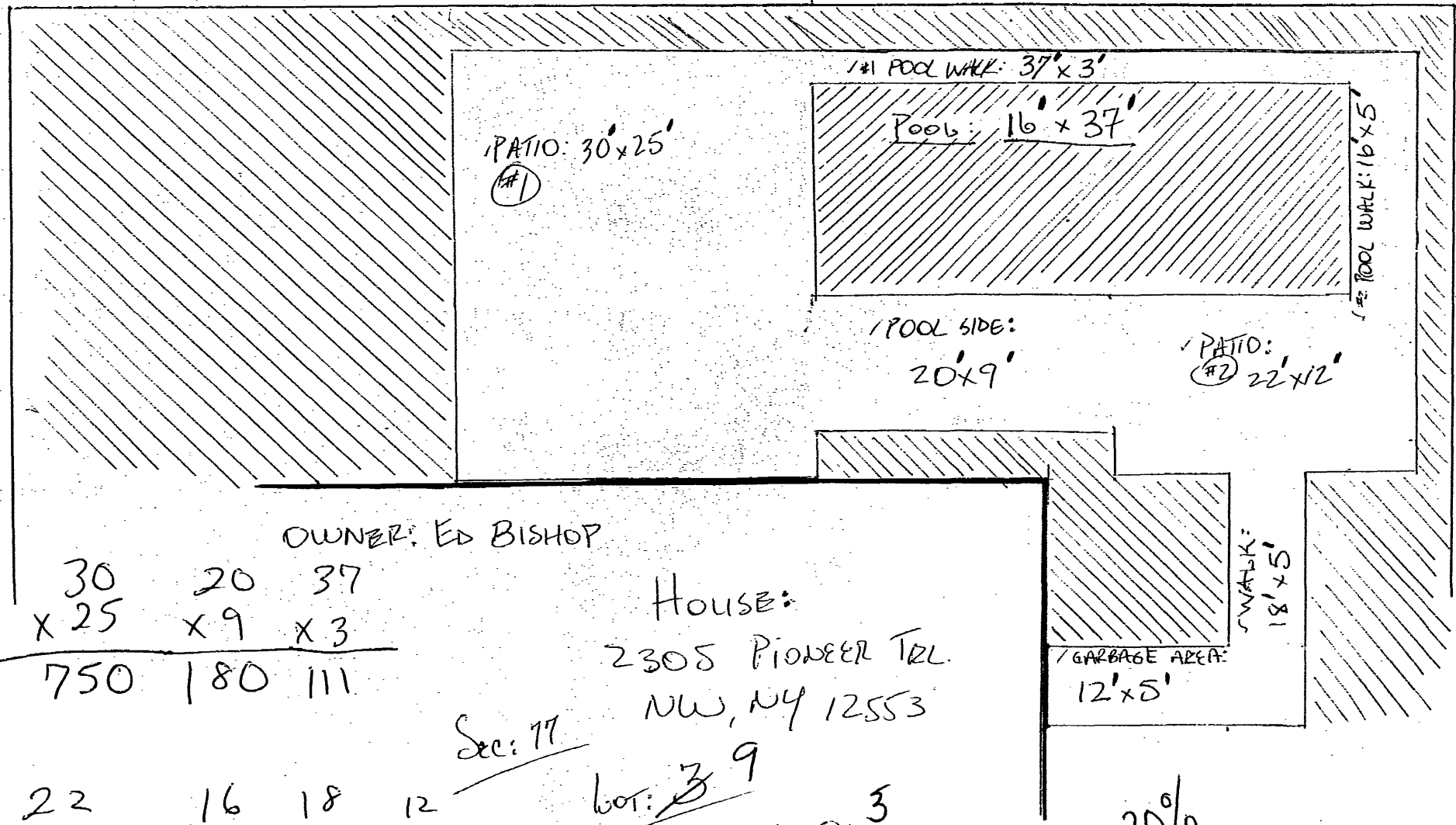
MIN LIVABLE AREA:

DEV COVERAGE:	20%=2,038sqft	53%=5,317sqft	33%=3,279sqft
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cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

APPROVED

← 100' →



OWNER: ED BISHOP

30	20	37
x 25	x 9	x 3
750	180	111

House:
2305 PIONEER TRL.
NW, NY 12553

Sec: 17

Lot: ~~3~~ 9
Block: ~~9~~ 3

22	16	18	12
x 12	x 5	x 5	x 5
264	80	90	60

Pool 37 x 16	DRIVEWAY x 20 30 54 x 5	House 52 20 x 35 x 7
592	1080 150	1820 140

TOTAL 5,317

TOTAL LOT AREA 10,193

20%

53%

RECEIVED

MAR 15 2004

BUILDING DEPARTMENT

PERMITTED 2038
COVERAGE

~~Sq. ft.~~
PATIO (#1) : 750

PATIO (#2) : 264

POOL SIDE : 180

#1 POOL WALK : 111

#2 POOL WALK : 80

GARBAGE AREA : 60

WALK : 90

1,535/
sq. ft.

33/5/2011

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

RECEIVED

JAN 28 2004

BUILDING DEPARTMENT

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:
Building Permit #: 2004-0078

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Edward J. Bishop

Address 2305 PIONEER TRAIL ~ NW, NY 12553 Phone # 567-1457

Mailing Address SAME Fax # (866) 728-5883

Name of Architect NA

Address NA Phone NA

Name of Contractor GEORGE FOTIADIS

Address 27 Gay Street ~ NW, NY 12553 Phone 569-4622

State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER

If applicant is a corporation, signature of duly authorized officer NA
(Name and title of corporate officer)

1. On what street is property located? On the EAST side of PIONEER TRAIL
(N, S, E or W)
and _____ feet from the intersection of _____
2. Zone or use district in which premises are situated RESIDENTIAL Is property a flood zone? Y N ✓
3. Tax Map Description: Section 77 Block 9 Lot 3
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
 - a. Existing use and occupancy PRIMARY RESIDENCE
 - b. Intended use and occupancy PRIMARY RES. WITH POOL
5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other POOL
In-ground
6. Is this a corner lot? NO
7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____
8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____
Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use NA

10. Estimated cost _____ Fee \$50.00

PAID
ZONING BOARD

date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4695 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

[Signature]

(Signature of Applicant)

2305 Pioneer Trail - NW NY 12553

(Address of Applicant)

[Signature]

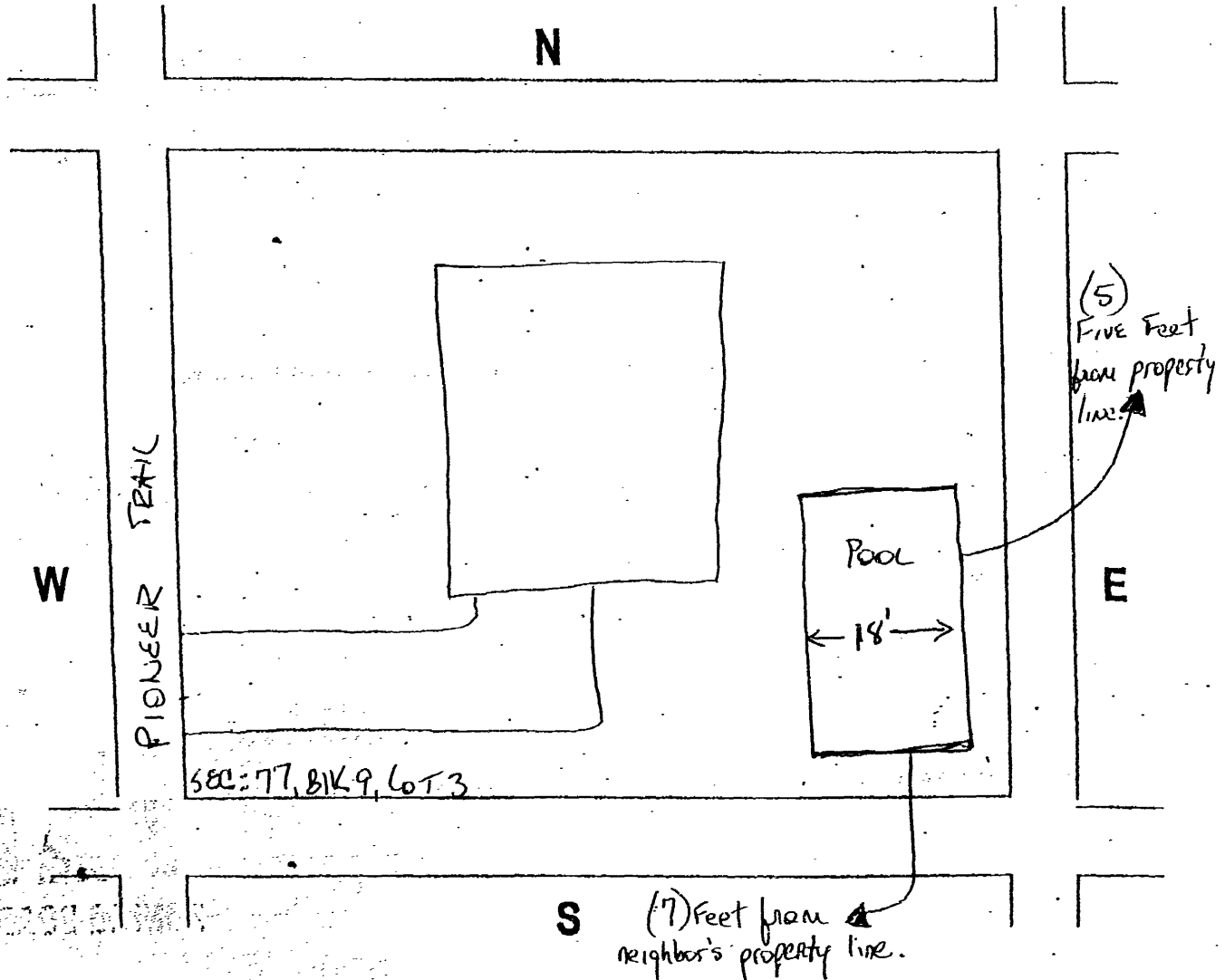
(Owner's Signature)

2305 PIONEER TRAIL - NW, NY 12553

(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.





*Pool with well
18' 13" (18' 13")*

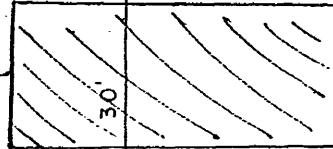
LANDS N/F OF
TOWN OF NEW WINDSOR
L. 3986, P. 75
S. 65, B. 1, L. 62

five (5) feet

S 05° 54' 51" E

100.00'

F.M. LOT



seven (7) feet

*54' to
FENCE*

N 83° 50' 09" E

12'

102.11'

14.1'

33.9'

2 STORY
FRAMED
DWELLING

A/C

32.9'

18'

101.67'

S 83° 50' 07" W

F.M.L.
4

SIDEWALK

GRAVEL
DRIVE

UNDERGROUND
UTILITIES

25'

100.00'

26.2'

W.V.
O

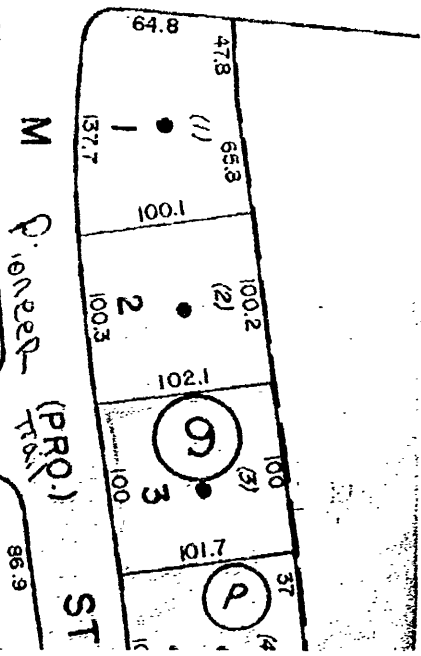
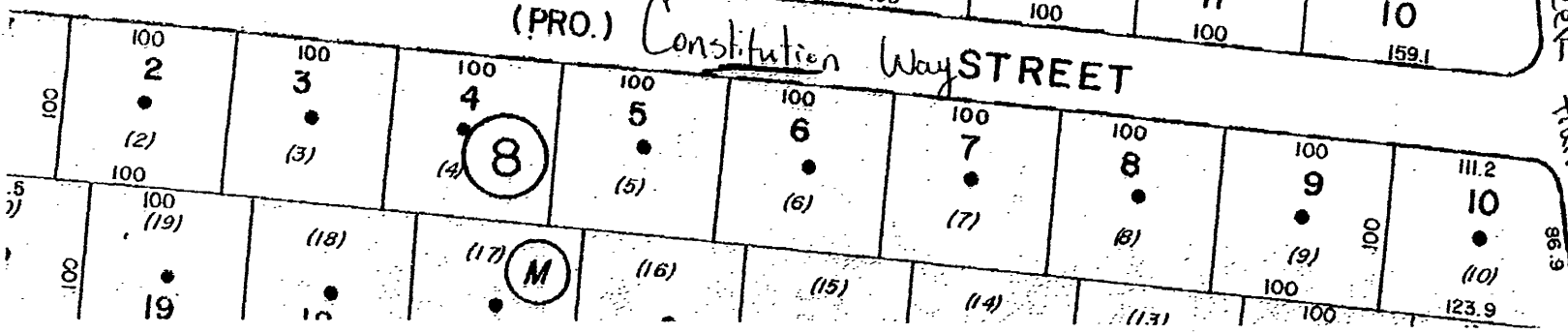
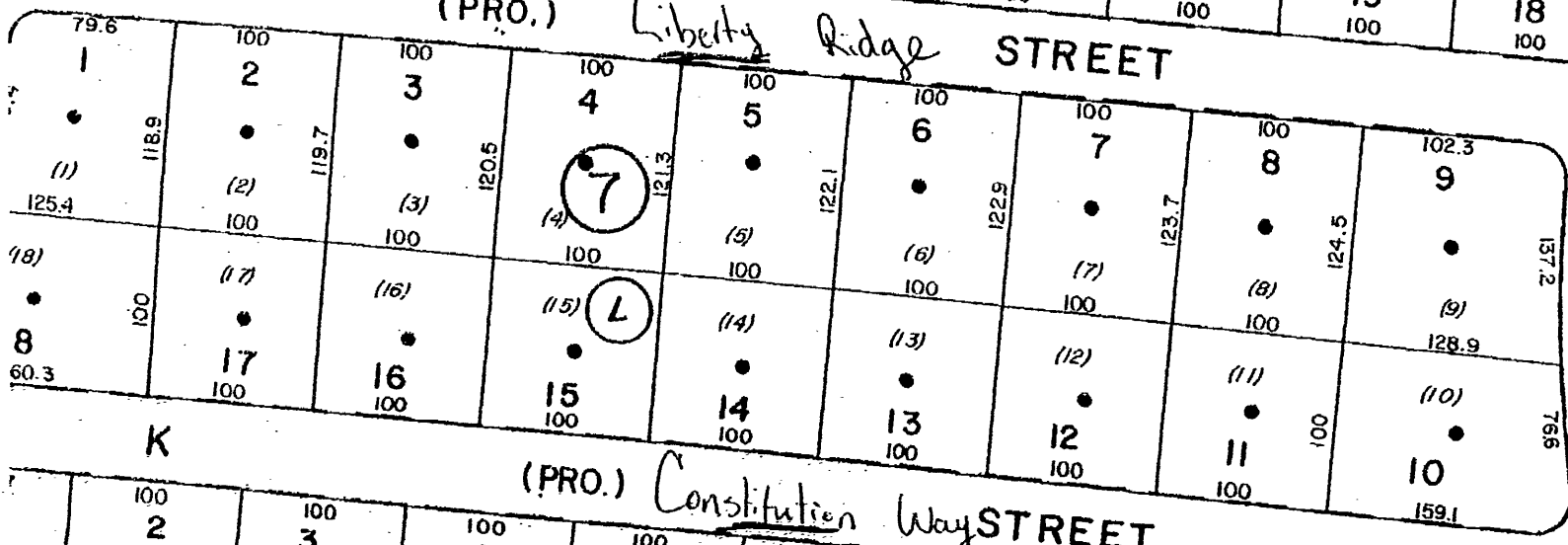
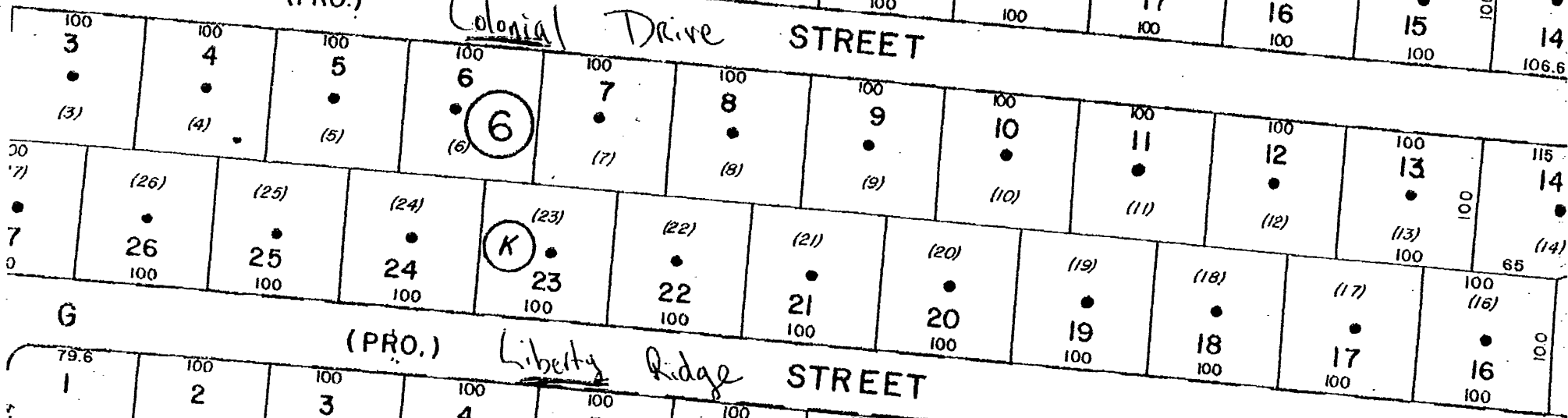
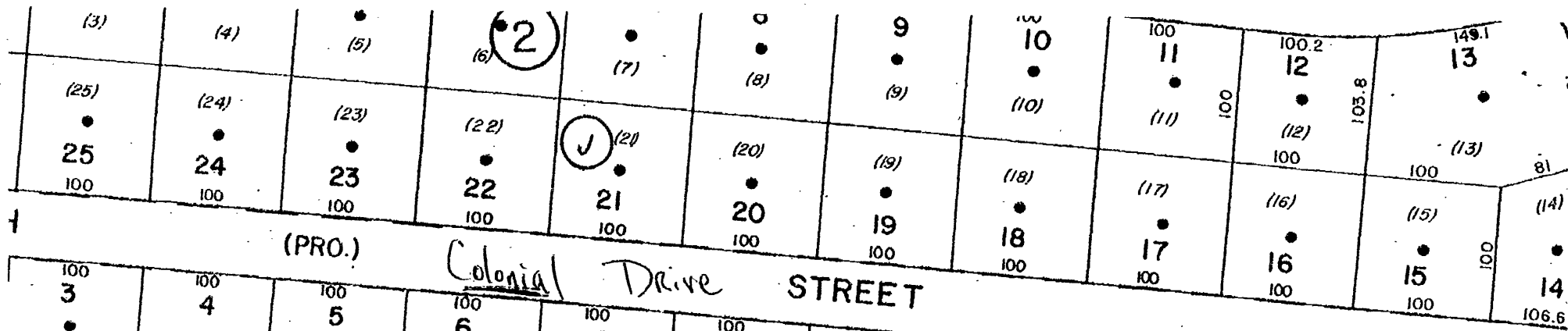
N 06° 09' 51" W

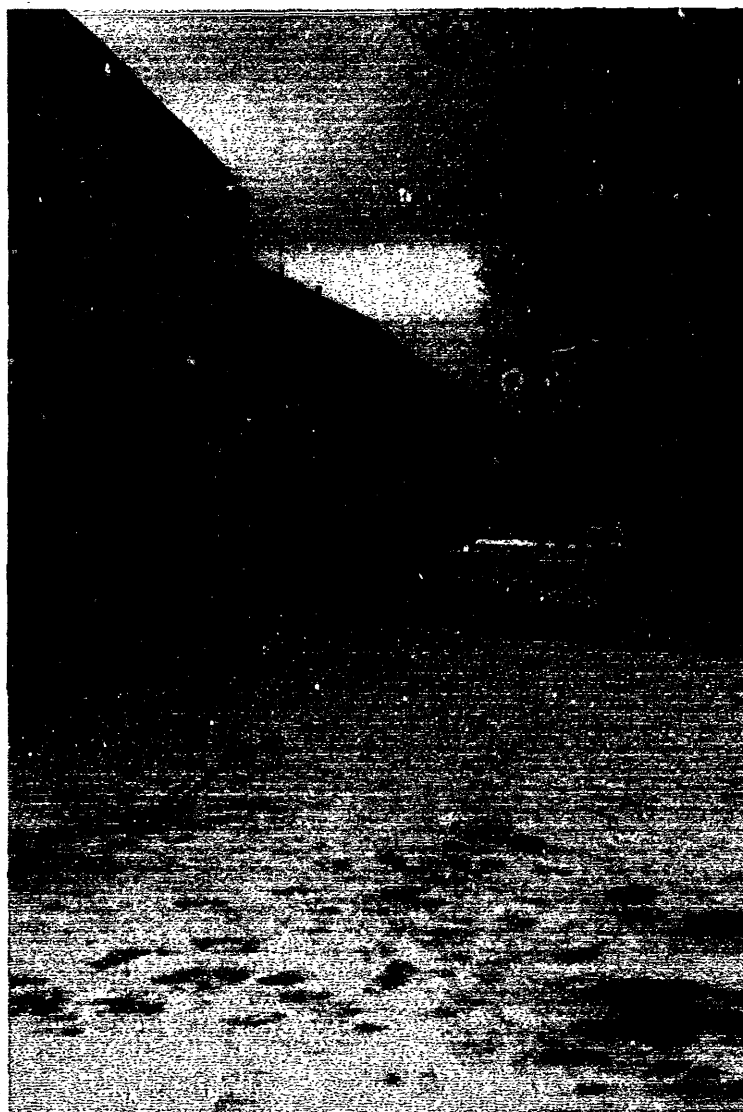
LIGHT
POLE

C.B.

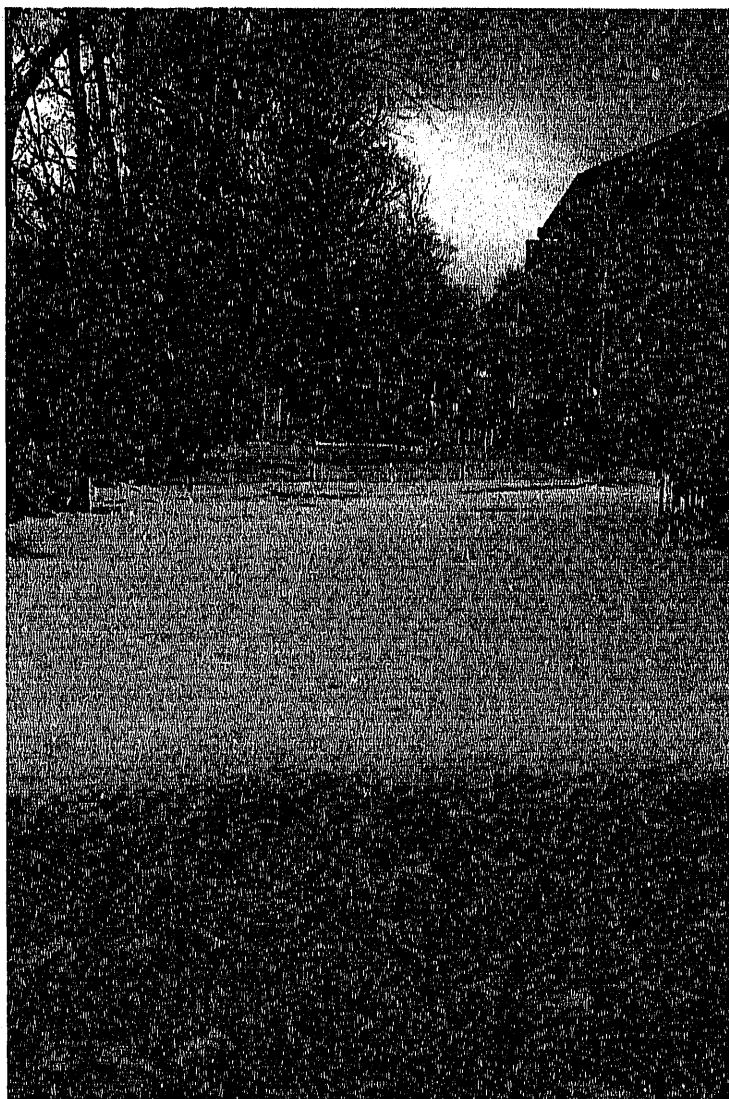
FACE OF CURB

PIONEER TRAIL

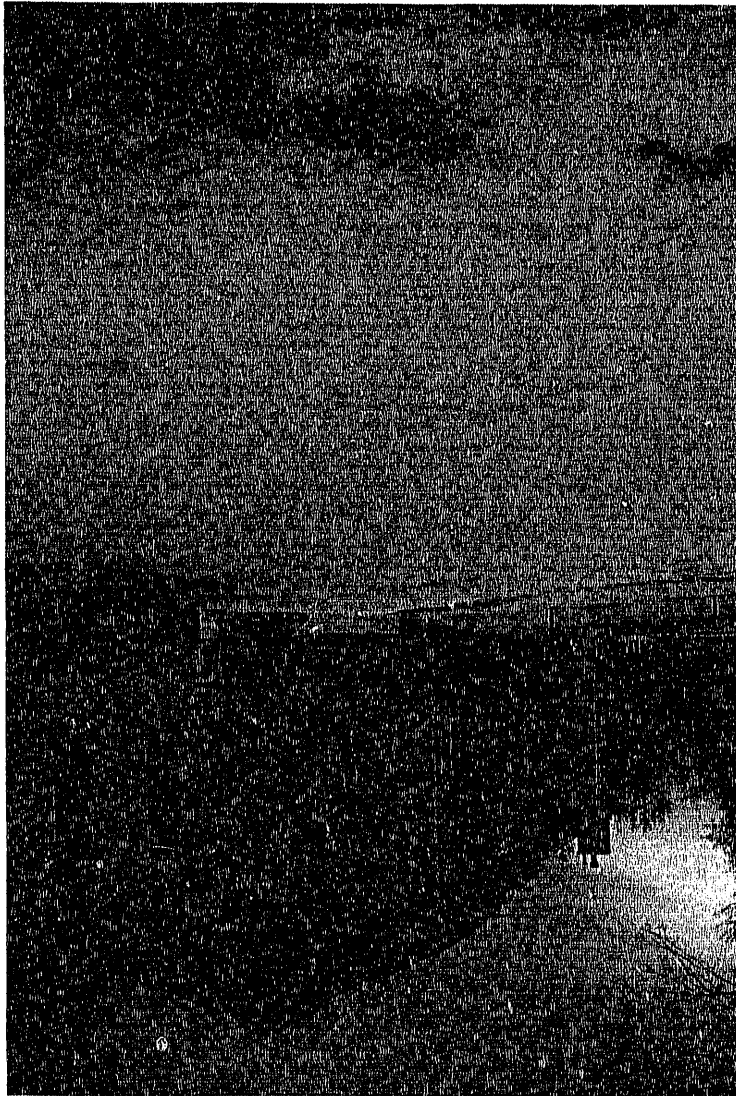


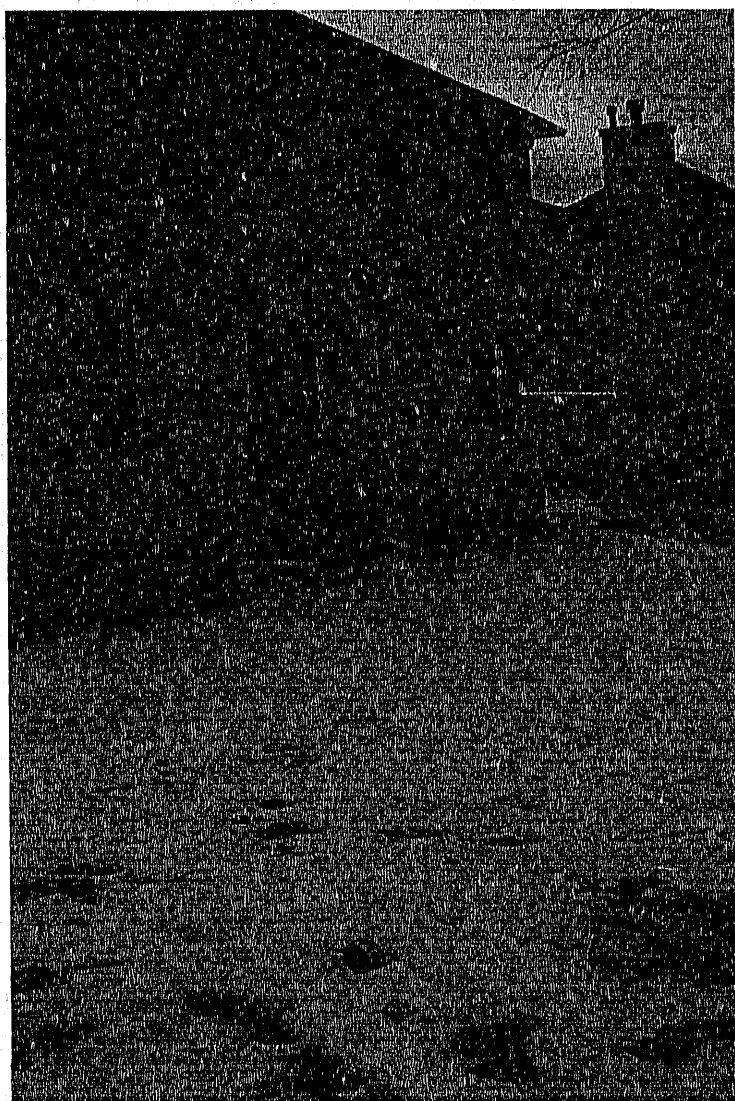


04-14



04-14





04-14

In the Matter of the Application of

EDWARD BISHOP

MEMORANDUM OF
DECISION GRANTING

AREA

CASE #04-14

WHEREAS, Edward Bishop , owner(s) of 2305 Pioneer Trail, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 5 ft rear yard setback and; 33% (3,279 s.f.) developmental coverage for proposed in-ground swimming pool at 2305 Pioneer Trail in an R-3 Zone and;

WHEREAS, a public hearing was held on April 12, 2004 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were two spectators appearing at the public hearing; and

WHEREAS, one person spoke in partial opposition to the Application; and one person voiced no opposition after his questions were answered; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties.
 - (b) The applicant seeks to site an in-ground swimming pool in the rear yard of the property.

- (c) Some variance would be required in order to locate the pool in any place on the applicant's property.
- (d) The applicant site the pool in the location applied for so that it would not be too close to the house so as to create a safety hazard for persons exiting the rear of the house. The size of the variance requested is to allow room for the construction of a patio or deck surrounding the pool.
- (e) The pool will not be located on top of or interfere with any easements including, but not limited to, water, sewer or electrical.
- (f) The property is located in a subdivision where the size of the property lots is exceptionally small.
- (g) Construction of the pool will not create the ponding or collection of water or divert the flow of water drainage.
- (h) Constructing the pool, if permitted, the applicant will not remove any trees or substantial vegetation.
- (i) The site of the pool has been relocated since the preliminary hearing so as to eliminate the need for a side yard variance. The site of the pool would still require an application for a rear yard variance.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but, nevertheless, should be allowed.

6. The benefit to the Applicant, if the requested variance(s) are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

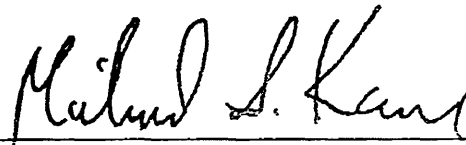
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for 5 ft rear yard setback and; 33% (3,279 s.f.) developmental coverage for proposed in-ground swimming pool at 2305 Pioneer Trail in an R-3 Zone (77-9-3) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: April 12, 2004



Chairman



Town of New Windsor

**555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695**

OFFICE OF THE ZONING BOARD OF APPEALS

August 10, 2004

Edward Bishop
2305 Pioneer Trail
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #04-14

Dear Mr. Bishop:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: JUNE 28, 2004
SUBJECT: ESCROW REFUND - 04-14

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 147.50 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #04-14

NAME & ADDRESS:

**Edward Bishop
2305 Pioneer Trail
New Windsor, NY 12553**

THANK YOU,

MYRA

L.R. 06-28-04



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #04-14 TYPE: AREA

APPLICANT Name & Address:

**Edward Bishop
2305 Pioneer Trail
New Windsor, NY 12553**

TELEPHONE: 567-1457

RESIDENTIAL:	\$ 50.00	CHECK # <u>440</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK # 441



<u>DISBURSEMENTS:</u>		MINUTES <u>\$5.50 / PAGE</u>	ATTORNEY <u>FEE</u>
PRELIMINARY:	<u>6</u> PAGES	\$ <u>33.00</u>	\$ <u>35.00</u>
2 ND PRELIMINARY:	— PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>9</u> PAGES	\$ <u>49.50</u>	\$ <u>35.00</u>
PUBLIC HEARING:	— PAGES	\$ _____	\$ _____
TOTAL:		\$ <u>82.50</u>	\$ <u>70.00</u>



ESCROW POSTED:	\$ 300.00
LESS: DISBURSEMENTS:	\$ <u>152.50</u>

AMOUNT DUE: \$ _____

REFUND DUE: \$ 147.50

PUBLIC HEARINGS:

EDWARD BISHOP (04-14)

MR. KANE: Request for 3 ft. side yard and 5 ft. rear yard setback and 33% (3,279 s.f.) developmental coverage for proposed inground swimming pool at 2305 Pioneer Trail in an R-3 zone.

Mr. Edward Bishop appeared before the board for this proposal.

MR. BISHOP: Instead of a ten foot separation from the pool line to my neighbor, I'm requesting a 7 foot so I'm trying to eat into that by 23 feet. And then my rear line instead of having a ten foot line from the pool to the property line, I'm requesting to tap into that by five feet so I'll have a five foot variance request there. I put in my developmental proposed area for walks and patios and the reason for the request is just to maximize the usable space in the back yard and try to prevent the pool from being right upon the exit of the slider in the back of the home.

MR. KANE: And no matter where you place the pool in the back yard you'd be here for some kind of variance?

MR. BISHOP: Yes, shift the pool to the left side of the property line it would be even worse so versus the other side, it provides the best opportunity to just maximize the yard.

MR. KANE: And if it's too close to the house from the back yard to clear the back yard you'd consider that a safety issue coming out of the back of the house to the pool?

MR. BISHOP: Yes.

MR. MC DONALD: Inground?

MR. BISHOP: Yes.

MR. KANE: The size of the pool itself?

MR. BISHOP: Size of the pool I would say an average size pool, there are larger and there are smaller.

MR. KANE: 16 x 32?

MR. BISHOP: I'm sorry, 16 x 37.

MR. KANE: Do you realize that if this passes this evening that you'd still have to meet all of the standards set by the building department for the codes for the pool itself?

MR. BISHOP: Yes, sir, the installation, the company that I have providing the installation is very familiar with the Town of New Windsor rules.

MR. KANE: Who's building it?

MR. BISHOP: George Fatatas (phonetic).

MR. KANE: George is very good.

MR. MC DONALD: I'm looking at this, I'm just trying to, patio is not existing, right?

MR. BISHOP: It's not existing, I was told to propose and overestimate the area.

MR. KANE: They had to put the pool in and it's got to sit before you do the cement work around the outside so everything settles in.

MR. MC DONALD: Not going to be over any easements or any water, sewer, electrical?

MR. BISHOP: No, I'm in The Reserve, the development that has the small lots so--

MR. KANE: Not creating any water hazards or runoffs hopefully with the pool?

MR. BISHOP: No, hopefully it's a good liner.

MR. KANE: Not cutting down any trees or substantial vegetation, substantial trees?

MR. BISHOP: No, as I mentioned to you before, I would have to do a couple for my first initial and I had to do that just recently.

MR. BISHOP: Steve, Len, let's hold on for a minute. Is anybody in the audience here for this particular hearing? Hold on one second, please, Mike's going to bring out a sheet just for your name and address so that we can put it in the record. I would ask you then to when you stand up, just state your name and your address and say whatever you have to say.

MR. BILLIK: Philip Billik, 2307 Pioneer Trail. I don't oppose Mr. Bishop's right to have the pool and the back yard variance, what I do oppose is the violation ten foot property line on the side. And the reason why I say that is because the lot as it's been mentioned before the lots are small, in addition to that, about a year and a half ago, I was here getting preliminary hearing and public hearing for an inground pool, we have the same lot size, same developer for the pool and same size pool, I believe, and the way I situated the pool was on my property so I can get the variance from the back but not affect either neighbor on the side and being that the lots are so small, I feel that's an infringement on my property line on the right where he wants to place the pool and there's ample room to place the pool where he won't affect the neighbor on the right or left-hand side. And that's

basically my contention, it's been done, he has an alternative, I guess for whatever reason he doesn't want to, I know when I came for it, I did it in consideration of my neighbors at that time and being as it's been mentioned before by the board, the property is extremely small and I'd like to keep a little privacy and maintain the property lines that the Town has put in place.

MR. MC DONALD: And looking at that, I'm just looking at it, in other words, if he centered it more.

MR. BILLIK: When I came in front of you, I came in ten feet from this side, didn't affect each neighbor because the property's 100 feet wide, is that it?

MR. KANE: This gentleman wants to put a pool in his back yard and he needs to get certain variances to be able to do that and that's what this meeting is about. So if you have any questions of him about the pool, now is the time to ask and the placement is basically going to be like this. It goes within 500 feet of wherever the residence is, so anybody within that circle would get a mailing.

MR. MENDEZ: So I'm within 500 feet?

MR. KANE: Yes and what he's trying to do is put a pool in back here, he doesn't meet the required offsets for the rear yard or the side yard so if you have anything to say about it, you can, if you don't, you don't have to.

MR. MENDEZ: Put in your pool.

MR. KANE: Just state your name.

MR. MENDEZ: Joe Mendez, 2705 Colonial Drive, New Windsor.

MR. KANE: Thank you.

MR. MC DONALD: Mike, on that looking at this on the right looking at the house looking at the right side I don't see anything here that's 7 foot, why do you need a 30 x 25 foot patio, if you moved your pool over a little bit and that would take you away from there and you wouldn't need this, you wouldn't be as close to the fence.

MR. BISHOP: It's not the patio, I overestimated the size of the patio as I was instructed to do just in case I would like to build a larger patio in the future or if I had enough money to do so the patio is secondary to the pool.

MR. MC DONALD: I just see all this empty space here.

MR. BISHOP: You see all in one shot I was just advised to provide the pool and potential size of the patio that may not even be the size, but I would hate to underestimate the size of the patio and then would like to increase the size later and go through the process over again, so just to clarify the patio is not hampering the size of where the pool's located, just trying to maximize that.

MR. MC DONALD: There's nothing here, it's empty.

MR. BISHOP: It's raw land right now.

MR. RIVERA: Did you look at the possibility of centering it?

MR. BISHOP: It's 3 feet into the Town's regulations, I didn't think it was that aggressive and that's why I kind of put five more towards the back versus five towards the side of my neighbor here.

MR. KANE: For the most part what we try to do not just

with you but we want to give, let people have the use of their yard hopefully staying within whatever the Town regulations are. So if there's a way that you can lose that three feet side and keep your back and still appease your neighbors and go for the least amount of variances you need, I think that's probably a better way to go. Is there any way to shift that over 3 feet so you're not infringing?

MR. BISHOP: As I said, the property is not real open at all in the back and I am just waiting to have the opportunity to put the pool in, you know, I didn't think I'd be asking for anything too aggressively as I stated, if my neighbor put a request in that was rejected, I would not put a request in knowing that they were rejected for a similar request. So unbeknownst to me, I just put a request and just trying to maximize my back yard, that's all.

MR. KANE: So do you want to stick with the initial request that we have right now or do you want to--

MR. BISHOP: I don't see myself impacting my neighbor's property line at all and I thought the installation company that I'm using actually put their pool in as stated and would respect the installation process and make sure that they don't damage or impact the fence at all that they have on their line at this time.

MR. KANE: Anybody else in the audience for this particular hearing? Okay, so we'll close the public portion of the hearing and ask if we had any mailings?

MS. MASON: On the 22nd of March, 39 addressed envelopes were mailed out and I had no responses.

MR. KANE: Okay, gentlemen, any other questions?

MR. MC DONALD: I'm very uncomfortable with the fact that we've got this little bit, why we've got this

great big back yard but not great big but you put it on the right-hand side, if we just moved it over a little bit we're still, you still have plenty of back yard there. I know speaking for myself, I wouldn't want it away from my property line a little bit, that's me and I don't see why you can't move it. That's my personal view.

MR. KANE: What I probably should tell you just to let you know we don't have a full board so we have three guys, you need all three votes just to let you know so if it's two to one, you lose.

MR. BISHOP: What happens if I lose?

MR. KANE: You have to wait at least 6 months to reapply.

MR. BABCOCK: Or change.

MR. KANE: Or change the thing which means if you decided to take the three feet from the side you'd still have to go back, go through the process again.

MR. KRIEGER: Actually, it's three separate requests, not just one, so if he wins on two and loses on one, he'd still have to win for the two, you know.

MR. BISHOP: Just to clarify the three requests are?

MR. KRIEGER: Three foot, five foot and developmental coverage.

MR. MC DONALD: I have no problem with everything else, I just have the problem with he needs 10 proposed 7, why 3, the 3 doesn't seem to me--

MR. BISHOP: So you're suggesting I just have to redo paperwork?

MR. BABCOCK: Actually, you won't have to do any paperwork, I can do it right now, they're asking you to agree to move the pool to the right or the left of the property three more feet, maintain your 10 foot, you'd only be asking for two variances tonight instead of three.

MR. KANE: Just from the pictures in your back yard if there was a big incline over here and that three foot was a hundred percent necessary to get this in, to me, that's a different story, since it's all flat, I don't see the problem with just shifting it over.

MR. BISHOP: It's just raw land right now so--

MR. MC DONALD: To me, the three foot and it makes everybody happy, makes me happy, makes your neighbors happy.

MR. BISHOP: Well, I hope you feel better.

MR. KANE: It's the least amount of variances you need because in all honesty, 33 percent developmental coverage is pretty high.

MR. BISHOP: Okay, I'll go through with the request of making the adjustment.

MR. KANE: With your permission we'll take the three foot side yard variance off.

MR. BISHOP: Yes.

MR. KANE: Strictly going for a five foot rear yard variance and 33 percent developmental coverage.

MR. BABCOCK: That's correct.

MR. KANE: Thank you for working with us on that.

MR. MC DONALD: Yes, thank you.

MR. KANE: Any other questions, gentlemen?

MR. MC DONALD: No.

MR. RIVERA: Not at all.

MR. KANE: Accept a motion.

MR. RIVERA: I move that we grant Mr. Edward Bishop his requested five foot rear yard setback and 33 percent developmental coverage for the inground swimming pool at 2305 Pioneer Drive.

MR. MC DONALD: Second it.

MR. KANE: Just to note that this was 3,279 square feet at the 33 percent so that's in the record.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. KANE	AYE



RESULTS OF Z.B.A. MEETING OF:

April 12, 2004

PROJECT: Edward Bishop

ZBA # 04-14
P.B.#

USE VARIANCE: NEED: EAF PROXY

LEAD AGENCY: M) S) VOTE: A N
RIVERA
MCDONALD CARRIED: Y N
REIS
MINUTA
KANENEGATIVE DEC: M) S) VOTE: A N
RIVERA
MCDONALD CARRIED: Y N
REIS
MINUTA
KANEPUBLIC HEARING: M) S) VOTE: A N
RIVERA
MCDONALD CARRIED: Y N
REIS
MINUTA
KANEAPPROVED: M) S) VOTE: A N
RIVERA
MCDONALD CARRIED: Y N
REIS
MINUTA
KANE

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) S) VOTE: A N
RIVERA
MCDONALD
REIS CARRIED: Y N
MINUTA
KANE

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES ✓

VARIANCE APPROVED: M) S) VOTE: A N

★
RIVERA
MC DONALD
~~REIS~~
~~MINUTA~~
KANEA
A
A
A

CARRIED: Y N

Average Pool 16' x 37'

Remove 3' side yard request.

EDWARD BISHOP (04-14)

MR. KANE: Request for 3 ft. side yard and 5 ft. rear yard setback for proposed inground swimming pool at 2305 Pioneer Trail in an R-3 zone.

Mr. Edward Bishop appeared before the board for this proposal.

MR. BISHOP: Good evening, Edward Bishop residing at 2305 Pioneer Trail. Rear yard has approximately 30 foot of depth from the back wall of the home, property width is about 100 foot wide, I'd like to put an inground pool 16 x 37, if I set that in the center, it's going to use up most of the usable space. I'd like to shift the pool to the far right corner of the property still allowing for travel to go around the pool but then also to have an opportunity to put a patio and still have some grass.

MR. KANE: Would the inground pool be part of developmental coverage?

MR. BABCOCK: Yes, if the applicant's set up for a public hearing, Mr. Chairman, I will do a calculation of that and have the application modified if it's a requirement.

MR. KANE: Okay, basically what it is is that you're only allowed to develop your property so much, okay, so certain percentage of the property is allowed to be developed and built on, so we want to make sure you fall within those realms, if not, put that as part of application and that would also--would a cement patio be included in this?

MR. BABCOCK: Yes.

MR. KANE: So if you want to put a cement patio that would also be part of it, so that would be a question

later looking at your property.

MR. BISHOP: Are pavers considered?

MR. BABCOCK: Yes.

MR. MINUTA: You're looking at impermeable coverage.

MR. BISHOP: Okay.

MR. BABCOCK: Right, if you'd like to mark a plan up and get it to me where the brick pavers are, this way you get all the variances you need, you won't have any problem if you go to sell or refinance.

MR. KANE: And he has a year to act on the variances.

MR. BABCOCK: Yes.

MR. KANE: So it doesn't require you to build the patio right away, you have time to do that or you could request an extension on that time to build it, if you want to, this way, you cover that since your property's a little unique in size as far as the depth going back. Okay?

MR. KRIEGER: But you understand if the variance is granted, once you get the variance, that will limit the size of the patio to what you've asked for.

MR. BISHOP: Yes.

MR. KRIEGER: You won't be able to come back in a year and say oh gee, I decided to make it a little bit bigger.

MR. KANE: Just trying to cover every base for your area so you don't have to come back here and repeat the whole process, not that we're not fun guys. The requested swimming pool is not, is not an oversized

March 8, 2004

12

swimming pool in your opinion?

MR. BISHOP: No, it's not, there are larger pools out there.

MR. KANE: Other pools similar in nature and size in your neighborhood?

MR. BISHOP: Yes, actually, my next door neighbor.

MR. KANE: Will you be cutting down any trees or substantial shrubbery in the building of the pool?

MR. BISHOP: I'd like to take down three trees.

MR. KANE: Nothing substantial though?

MR. BISHOP: No.

MR. REIS: What's behind you?

MR. BISHOP: Behind me is the Town Park of New Windsor.

MR. BABCOCK: We're going to be putting in pools out there this spring.

MR. BISHOP: I know, I see you guys out there.

MR. KANE: You said 16 x 36?

MR. BISHOP: Yes.

MR. KANE: And is that the actual pool size or are you counting the cement walk around on that?

MR. BISHOP: That's actual pool size.

MR. KANE: So you're going to have--

MR. BISHOP: A three foot walk around.

MR. KANE: Do we need to take that in consideration as long as he's here, are we measuring to the pool or end of the cement on the walk around?

MR. BABCOCK: The pool.

MR. KANE: Just want to make sure we cover.

MR. KRIEGER: Cement walk around is relevant as to developmental coverage but not as to setbacks.

MR. BABCOCK: That's correct.

MR. KANE: And your back yard is fenced in?

MR. BISHOP: It will be.

MR. KANE: You have steps coming off the back of the home?

MR. BISHOP: Yes.

MR. KANE: And then you realize that you'll probably have to put another fence up around the inground pool, correct?

MR. BABCOCK: Well, what he will have to have, Mr. Chairman, is one or the other, the door will have to have a self-closing, self-latching device on it and the windows will have to all have latches which they come with.

MR. KANE: Normally what it is is that even if your back yard is fenced in, if you don't have some kind of obstruction so the little guy can't get from your back door or your deck to the pool then you have to fence in general that pool area. Okay?

MR. BISHOP: I was told to have automatic, I should say

the self-closing, self-latching.

MR. BABCOCK: There's also an alarm, there's choices you can do that rather than the self-closing, self-latching, you can have an alarm system.

MR. BISHOP: My alarm system does have an indicator so it alerts.

MR. BABCOCK: This would have to have separate and individual for the door, if that door opens, it would go off.

MR. KRIEGER: It's an either/or requirement.

MR. BABCOCK: Yes, I'm sure once he gets through the zoning board process, he will be back in touch with my office, they'll give him that, we can do that earlier if you'd like to start thinking about that.

MR. BISHOP: Okay.

MR. KANE: If you're looking at alarms for the pools, don't get the ones that float on the water, make sure they go deep into the water for a splash.

MR. BISHOP: Yes.

MR. KANE: Any other questions, gentlemen?

MR. REIS: Just a point of reference, Mr. Chairman suggested that you lay out a patio, you might want to make it even larger than you would anticipate, you can always make it smaller.

MR. KANE: If you can, if you present that to Michael, he can figure out what the developmental coverage is, he will know if you have a percentage or you're pushing the boundaries.

March 8, 2004

15

MR. BISHOP: I've made extra plans, how do I get that to you?

MR. BABCOCK: To the building department.

MR. KANE: Just show them, doesn't mean you're going for it right away. Okay, gentlemen?

MR. RIVERA: Have you gone over any, are you going over any easements, create any water hazards?

MR. BISHOP: No, not at all.

MR. MINUTA: Accept a motion?

MR. KANE: Yes, I will.

MR. MINUTA: I move that we refer Mr. Bishop to a public hearing for requested three foot side yard and five foot rear yard setback for proposed inground swimming pool at 2305 Pioneer Trail.

MR. REIS: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MINUTA	AYE
MR. KANE	AYE
MR. REIS	AYE

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

EDWARD BISHOP

AFFIDAVIT OF
SERVICE
BY MAIL

#04-14

----- X

STATE OF NEW YORK)

) SS:

COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 22ND day of MARCH, 2004, I compared the 39 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason
Myra L. Mason, Secretary

5th day of April, 2004

J. P. Gallagher
Notary Public

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/2006

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 04-14

Request of EDWARD BISHOP

for a VARIANCE of the Zoning Local Law to Permit:

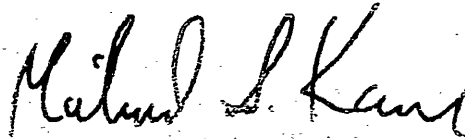
Request for 3 ft. side yard and; 5 ft rear yard setback for proposed in-ground swimming pool and; 33% (3,279 s.f.) developmental coverage

being a VARIANCE of Section 48-21 G(1)

for property located at: 2305 Pioneer Trail - New Windsor, NY in an R-3 Zone

known and designated as tax map Section 77 Block 9 Lot 3

**PUBLIC HEARING will take place on APRIL 12, 2004
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.**

A handwritten signature in dark ink, appearing to read "Michael Kane", is written over a horizontal line.

Michael Kane, Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessors Office

March 18, 2004

Edward Bishop
2305 Pioneer Trail
New Windsor, NY 12553

Re: 77-9-3 / ZBA# 04-14

Dear Mr. Bishop:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$ 55.00, minus your deposit of \$25.00.

Please remit the balance of \$ 30.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley
Sole Assessor

JTW/tmp
Attachments

CC: Myra Mason, Planning Board

65-1-61.1
Etruscan Enterprises, Inc.
Route 94
New Windsor, NY 12553

77-3-6
Smallwood, Tyree E & Carolyn
2020 Independence Drive
New Windsor, NY 12553

77-6-10
Iaquinta, Neal & Theresa
2709 Colonial Drive
New Windsor, NY 12553

77-6-14
Saracino, Jeffrey S & Giuseppina V
2701 Colonial Drive
New Windsor, NY 12553

77-6-20
Olsen, David L & Ellen M
2612 Liberty Ridge
New Windsor, NY 12553

77-7-7
Krešević, John E & Marilyn R
2613 Liberty Ridge
New Windsor, NY 12553

77-7-10
Delgado, German
Escobar, Olga L
2502 Constitution Way
New Windsor, NY 12553

77-7-13
D'Esposito, Edward & Karen
2508 Constitution Way
New Windsor, NY 12553

77-8-8
DePaolis, Robert & Elizabeth
2505 Constitution Way
New Windsor, NY 12553

77-8-11
Daniels, Thelma Holt
2402 Settlers Ridge
New Windsor, NY 12553

65-1-62
Town of New Windsor
555 Union Avenue
New Windsor, NY 12553

77-5-1, 77-6-13, 77-6-15, 77-6-16, 77-6-17,
77-10-3, 77-10-4, 77-10-5, 77-12-1
Mt. Airy Estates
c/o Sarna Enterprises
15 Engle St - Suite 100
Englewood, NJ 07631

77-6-11
Islam, Amir & Farida
2707 Colonial Drive
New Windsor, NY 12553

77-6-18
Armstrong, Terry Lee Sr.
Armatrong, Shirlyn Manzana
2608 Liberty Ridge
New Windsor, NY 12553

77-6-21
Soto, Francisco Jr
Diaz, Cynthia
2614 Liberty Ridge
New Windsor, NY 12553

77-7-8
Rose, Richard & Marie
2611 Liberty Ridge
New Windsor, NY 12553

77-7-11
Wallace, Sanilda & Patrice
2504 Constitution Way
New Windsor, NY 12553

77-8-6
Goitia, Rodney E & Sophia
2509 Constitution Way
New Windsor, NY 12553

77-8-9
Melendez, Daisy
2503 Constitution Way
New Windsor, NY 12553

77-8-12
Wu, Kaiwen & Dong, Qun
2404 Settlers Ridge
New Windsor, NY 12553

77-3-5
Hopkins, Gerard
2018 Independence Drive
New Windsor, NY 12553

77-6-9
Porter, James L
Leo Mathelier, Carmelle
2711 Colonial Drive
New Windsor, NY 12553

77-6-12
Peralta, Dorcas
2705 Colonial Drive
New Windsor, NY 12553

77-6-19
Lakhman, Yelena
2610 Liberty Ridge
New Windsor, NY 12553

77-7-6
McTigue, Kenneth R & Annette
2615 Liberty Ridge
New Windsor, NY 12553

77-7-9
Morales, Daniel P & Diana M
2609 Liberty Ridge
New Windsor, NY 12553

77-7-12
James, Jijy G & Susan J
2506 Constitution Way
New Windsor, NY 12553

77-8-7
Smith, Thomas & Gina
2507 Constitution Way
New Windsor, NY 12553

77-8-10
Das, Prabhas Ranjan & Rina
2501 Constitution Way
New Windsor, NY 12553

77-8-13
Brice, Barney & Darlene
2406 Settlers Ridge
New Windsor, NY 12553

77-8-14
Pastor, Martin O & Vivian
2408 Settlers Ridge
New Windsor, NY 12553

77-8-15
Vazquez, Jason & Grace
2410 Settlers Ridge
New Windsor, NY 12553

77-9-1
Albanese, Anthony A & Tracy A
2301 Pioneer Trail
New Windsor, NY 12553

77-9-2
Melendez, Peter & Vivian A
2303 Pioneer Trail
New Windsor, NY 12553

77-9-4
Billik, Philip A & Mary
2307 Pioneer Trail
New Windsor, NY 12553

77-9-5
Mercado, Arturo & Remedios
2309 Pioneer Trail
New Windsor, NY 12553

77-9-6
Hakaj, Enver & Mirsada
2311 Pioneer Trail
New Windsor, NY 12553

77-10-1
Colon, Rafael Jr. & Gomez, Betty
2401 Settlers Ridge
New Windsor, NY 12553

77-10-2
Jenkeleit, Norman H & Laura M
2403 Settlers Ridge
New Windsor, NY 12553

TOWN OF NEW WINDSOR
REQUEST FOR NOTIFICATION LIST

DATE: 03-15-2004 PROJECT NUMBER: ZBA# 04-14 P.B. # _____

APPLICANT NAME: EDWARD BISHOP

PERSON TO NOTIFY TO PICK UP LIST:

EDWARD BISHOP
2305 PIONEER TRAIL
NEW WINDSOR, NY 12553

TELEPHONE: 567-1457

TAX MAP NUMBER: SEC. 77 BLOCK 9 LOT 3
SEC. _____ BLOCK _____ LOT _____
SEC. _____ BLOCK _____ LOT _____

PROPERTY LOCATION: 2305 PIONEER TRAIL
NEW WINDSOR, NY

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: _____

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) _____

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) _____

AGRICULTURAL DISTRICT:
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
OF SITE PLAN OR SUBDIVISION PROJECT) _____

❖ ❖

NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 442

TOTAL CHARGES: _____



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

March 22, 2004

Mr. Edward Bishop
2305 Pioneer Trail
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #04-14

Dear Mr. Bishop:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Sentinel Newspaper for publication. **PLEASE NOTE: The Sentinel will bill you directly for this add. This is not included in the escrow you posted upon application.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

2305 Pioneer Trail
New Windsor, NY

is scheduled for the April 12, 2004 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm



RESULTS OF Z.B.A. MEETING OF: March 8, 2004

PROJECT: Edward Bishop ZBA # 04-14
P.B.# _____

USE VARIANCE: NEED: EAF _____ PROXY _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
MINUTA _____
KANE _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
MINUTA _____
KANE _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
MINUTA _____
KANE _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
MINUTA _____
KANE _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) MM S) AS VOTE: A 4 N 0
RIVERA A
~~MCDONALD~~
REIS A
MINUTA A
KANE A
CARRIED: Y ✓ N _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____

VARIANCE APPROVED: M) _____ S) _____ VOTE: A _____ N _____.

RIVERA _____
MC DONALD _____ CARRIED: Y _____ N _____.
REIS _____
MINUTA _____
KANE _____

Need calculation for dev. coverage from Mike
Also brick Pavers + walk around pool

No trees to cut (3 trees)
Similar in size

Need fence

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#174-2004

02/20/2004

Bishop, Edward J.
2305 Pioneer Trail
New Windsor, NY 12553

Received \$ 50.00 for Zoning Board Fees, on 02/20/2004. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 02-19-2004

FOR: **ESCROW 04-14**

FROM: **EDWARD BISHOP**

2305 PIONEER TRAIL

NEW WINDSOR, NY 12553

CHECK NUMBER: **441**

AMOUNT: **300.00**

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME

2/20/04
DATE

PLEASE RETURN SIGNED COPY TO MYRA FOR FILING

THANK YOU



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

February 20, 2004

Edward Bishop
2305 Pioneer Trail
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #04-14

Dear Mr. & Mrs. Bishop:

This letter is to inform you that you have been placed on the March 8th, 2004 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

2305 Pioneer Trail
New Windsor, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm



3/8

TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)



ZONING BOARD PROCEDURES

PLEASE READ PAGE ONE AND TWO OF THIS PACKAGE AND SIGN PAGE TWO IT EXPLAINS THE PROCEDURE TO BE FOLLOWED FOR YOUR APPLICATION.

PLEASE COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

YOU WILL THEN BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING".

*

ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

THE APPLICANT WILL BE BILLED DIRECTLY FOR THE PUBLIC HEARING ADVERTISEMENT IN THE "SENTINEL NEWSPAPER"

**

RECEIVED
TOWN OF NEW WINDSOR
FEB 20 2004
ENGINEER & PLANNING

LIST OF PROPERTY OWNERS
WITHIN 500 FT. RADIUS OF
PROPERTY IN QUESTION:

APPROXIMATE COST FOR
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES
IS \$1.00 EA. ADDITIONAL
NAME

FOLLOWING YOUR PRELIMINARY MEETING, THE ZONING BOARD SECRETARY WILL ORDER YOUR "PUBLIC HEARING LIST" FROM THE ASSESSOR'S OFFICE.

1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THIS WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
2. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

✱ ✱ MUST READ AND SIGN ✱ ✱

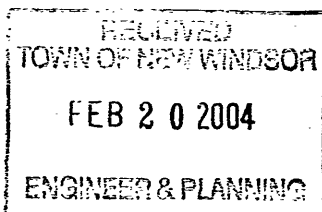
I UNDERSTAND THAT I WILL BE BILLED DIRECTLY FOR MY "LEGAL NOTICE" TO BE PUBLISHED IN THE SENTINEL NEWSPAPER FOR MY PUBLIC HEARING....(this charge is not deducted from your escrow posted).

Eugene B. Sp
SIGNATURE

2/17/04
DATE

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE. (JULY AND AUGUST – ONE MEETING PER MONTH ONLY)



PAGE 2

04-14

COMPLETE THIS PAGE ☐



TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE



2/17/04
Date

Application Type: Use Variance ☐ Area Variance ☒
Sign Variance ☐ Interpretation ☐

I. Owner Information:

Phone Number: (845) 567 1457
Fax Number: (866) 728-5883
EDWARD BISHOP
(Name)
2305 Pioneer Trail ~ New Windsor, NY 12553
(Address)

II. If Moving to New Address, please list forwarding address for return of escrow:

Phone Number: ()
Fax Number: ()
(Name) NA
(Address)

III. Attorney:

Phone Number: ()
Fax Number: ()
(Name) NA
(Address)

IV. Contractor/Engineer/Architect/Surveyor/:

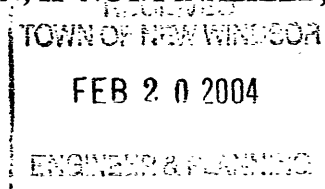
Phone Number (845) 569-4622
Fax Number (845) 569-0946
George Fotiadis
(Name)
73 Cedar Avenue ~ New Windsor, NY 12553
(Address)

V. Property Information:

Zone: R-3 Property Address in Question: 2305 Pioneer Trail
Lot Size: 100x100 Tax Map Number: Section 77 Block 9 Lot 3
a. What other zones lie within 500 feet?
b. Is pending sale or lease subject to ZBA approval of this Application? NO
c. When was property purchased by present owner? 6/92
d. Has property been subdivided previously? NO If so, When:
e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? NO
f. Is there any outside storage at the property now or is any proposed? NO

****PLEASE NOTE:****

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.



04-14

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

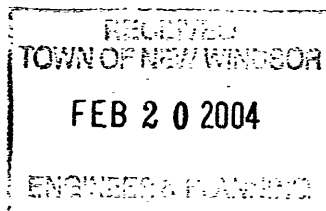
	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.	10ft.	7ft.	3ft.
Reqd. Rear Yd.			
Reqd. St Front*	10ft.	7ft.	5ft.
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

*Residential Districts Only

**Non-Residential Districts Only

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04-14

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**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

in our attempt to complete the backyard

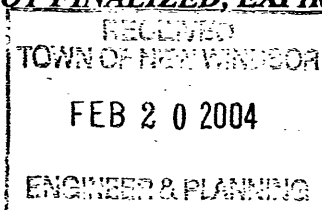
We are attempting to create a user friendly & functional backyard space. With your acceptance of our variance request, you would be assisting us in accomplishing this goal. This request first stems from the size of the lot @ 100' x 100'. By allowing the pad to be shifted to the far right of the yard, more useable space would be created. The amount of the variance request still provides a decent amount of space from the property line. When assessing other factors such as environment, neighborhood, etc., our request appears not to impact those aspects.

Thank you in advance for considering our request, we look forward to your determination in the near future.



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04-14

COMPLETE THIS PAGE ☐

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
-
-

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☒ One in the amount of \$ 300.00 or 500.00, (escrow)
- ☒ One in the amount of \$ 50.00 or 150.00, (application fee)
- ☒ One in the amount of \$ 25.00, (Public Hearing List Deposit)
- ☒ Photographs of existing premises from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR(4) SETS OF THE PHOTOS.)

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

19th day of February 2004.

Edward Bishop
Owner's Signature (Notarized)

EDWARD BISHOP
Owner's Name (Please Print)

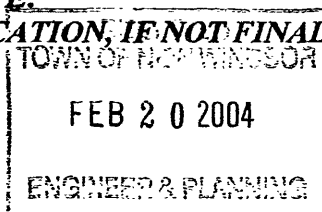
JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/2006

J. F. Mead
Signature and Stamp of Notary

Edward Bishop
Applicant's Signature (If not Owner)

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04-14

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